

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

MERCHANT CAPITAL, LLC and)
NEW SUNSHINE, LLC,)
)
Plaintiffs / Counter-claim)
Defendants,)

CAUSE NO.: 1:13-cv-00873-JMS-DML

v.)

MELANIA MARKS SKINCARE, LLC,)
)
Defendant / Counter-claim)
Plaintiff.)

PLAINTIFFS' SECOND REQUEST FOR PRODUCTION TO DEFENDANT

Plaintiffs / Counter-claim Defendants Merchant Capital, LLC and New Sunshine, LLC ("Plaintiffs"), by counsel, requests that Defendant / Counter-claim Plaintiff Melania Marks Skincare, LLC respond to the following requests within thirty (30) days after service hereof..

DEFINITIONS AND INSTRUCTIONS

1. **"Identify"** means to provide the full name, address, and telephone number of the person or entity to be identified.
2. **"Plaintiffs"** refers to Plaintiffs Merchant Capital, LLC and New Sunshine, LLC.
3. **"You"**, **"your"**, and **"Defendant"** refers to Melania Marks Skincare, LLC, its affiliates, agents, attorneys, investigators, employees, and anyone else acting on its behalf.
4. **"License Agreement"** means the license agreement entered into between Defendant and Plaintiff New Sunshine, LLC, as alleged in paragraph 15 of the Amended Complaint in this case.

5. **“Licensed Products”** means any and all of the products licensed as part of the License Agreement.

6. **“Document”** or **“documents”** means all written matter, graphic matter, and electronically stored information (“ESI”), and all copies of the same containing any additional matter, however produced or reproduced, whether draft or final, original or reproduction, and any other document as that term is defined in Rule 34 of the Federal Rules of Civil Procedure, including but not limited to: writings, drawings, graphs, charts, photographs, sound recordings and other memorials of telephone conversations, images, papers, books, brochures, pamphlets, letters, correspondence, memoranda, notes, logs, transcripts, interviews or conferences or other communications, minutes, records, reports, applications, agreements, contracts, invoices, bills, orders, confirmation slips, ledgers, checks, receipts, working papers, time sheets, diaries, calendars, appointment books, video tapes, e-mails, blogs, computer tapes or any ESI, and any other data or data compilations from which information can be obtained, translated, if necessary, into reasonably usable form. All terms in this Request are to be defined in the broadest sense to include and require rather than limit the production sought.

7. **“And”** means and/or and **“or”** means and/or.

8. **“Relating to”** means having any possible connection within the broadest sense of those terms.

9. If any documents are withheld, state the date, author, recipients, nature of intelligence which can be perceived therein, and the grounds for withholding.

10. Documents shall be organized and labeled to correspond with the categories in the Request.

11. All requests for discovery are continuing. In the event any additional information comes to your attention subsequent to returning your responses to these Requests, you are requested and required to furnish such additional information to undersigned defense counsel as soon as possible.

12. If you object to any Request, provide all documents responsive to unobjected or limited portions, and identify the limitation.

CATEGORIES OF REQUESTED DOCUMENTS

1. A copy of all documents, including, but not limited to, designs, sketches, ideas, notes, or research drafted and/or maintained by Melania Trump relating to the Licensed Products, as referenced in the deposition of Melania Trump.

RESPONSE:

2. A copy of all documents, including, but not limited to, designs, sketches, notes, or research drafted and/or maintained by Melania Trump relating to any and all other skincare product ideas.

RESPONSE:

3. Photographs of all samples of the Licensed Products referenced in the deposition of Melania Trump.

RESPONSE:

4. A copy of any files and/or diaries maintained by Melania Trump relating to the License Agreement and/or the Licensed Products, as referenced in the deposition of Melania Trump.

RESPONSE:

5. A copy of the “look book” provided to Melania Trump by New Sunshine, LLC, as referenced in the deposition of Melania Trump.

RESPONSE:

6. A copy of all e-mails from the personal e-mail address of Melania Trump, referenced in the deposition of Melania Trump, relating to the License Agreement and/or the Licensed Products.

RESPONSE:

7. A copy of all e-mails from the personal e-mail address of Melania Trump, referenced in the deposition of Melania Trump, between Melania Trump and Steve Hilbert.

RESPONSE:

8. A copy of all e-mails from the personal e-mail address of Melania Trump, referenced in the deposition of Melania Trump, between Melania Trump and Tomisue Hilbert.

RESPONSE:

9. For the time period between August 2011 and November 2012, provide a copy of all text messages between Melania Trump and Steve Hilbert.

RESPONSE:

10. For the time period between August 2011 and November 2012, provide a copy of all text messages between Melania Trump and Tomisue Hilbert.

RESPONSE:

11. For the time period between August 2011 and November 2012, provide a monthly itemized copy of all telephone billing statements (office, personal, and/or cellular) relating to telephone calls with Steve Hilbert.

RESPONSE:

12. For the time period between August 2011 and November 2012, provide a monthly itemized copy of all telephone billing statements (office, personal, and/or cellular) relating to telephone calls with Tomisue Hilbert.

RESPONSE:

13. All documents relating to or indicating any in-person meetings, dinners, business events, social events, vacations, or any other personal contact you had with Steve Hilbert from 2011 and 2012.

RESPONSE:

14. All documents relating to or indicating any in-person meetings, dinners, business events, social events, vacations, or any other personal contact you had with Tomisue Hilbert from 2011 and 2012.

RESPONSE:

Respectfully submitted,

Jerry M. Padgett (#27282-49)
One of the Attorneys for Plaintiffs,
Merchant Capital, LLC and
New Sunshine, LLC

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of October, 2013, a true and complete copy of the foregoing document was served upon all counsel of record via U.S. Mail, with sufficient postage attached.

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Bryan S. Strawbridge
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Jerry M. Padgett